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BILLINGS DIV.

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PATRICK E. DUFFY, CLERK
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DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

| | | |
|--|---|--------------------------------|
| CALVIN SHANE CORTNER and |) | |
| JUDITH CORTNER, |) | CV-05-162-BLG-RFC |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | ORDER ADOPTING FINDINGS |
| |) | AND RECOMMENDATIONS OF |
| HERZOG SERVICES, INC., a foreign |) | U.S. MAGISTRATE JUDGE |
| corporation, KRISTINA |) | |
| SNORTELAND, as the Administrator |) | |
| of the Estate of Charles A. Snorteland, |) | |
| Deceased, and JOHN DOES II-X, |) | |
| |) | |
| Defendants. |) | |
| |) | |

On April 17, 2007, United States Magistrate Judge Carolyn S. Ostby entered her Findings and Recommendation. Magistrate Judge Ostby recommends this Court grant Plaintiffs' Motion for Partial Summary Judgment as to Defendant Kristina Snorteland, as the Administrator of the Estate of Charles A. Snorteland.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the April 17, 2007 Findings and Recommendation. Failure to object to a magistrate judge's findings

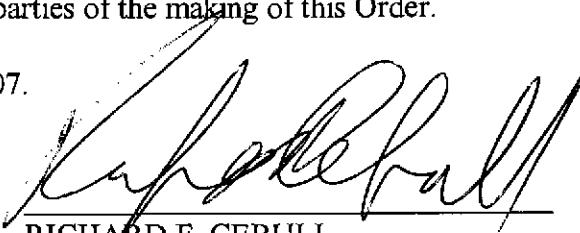
and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After an extensive review of the record and applicable law, this Court finds Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety. Both Herzog and Ms. Snorteland concede in their briefs that Charles Snorteland was negligent and that his negligence caused the collision with the Barnett vehicle resulting in damage. In addition, the Administrator withdrew her previously alleged defense of contributory negligence against Plaintiffs.

Accordingly, **IT IS HEREBY ORDERED** Plaintiffs Motion for Partial Summary Judgment as to Defendant Kristina Snorteland, as the Administrator of the Estate of Charles A. Snorteland (*Doc. 43*) is **GRANTED**.

The Clerk of Court shall notify the parties of the making of this Order.

DATED the 10 day of May, 2007.



RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE